

# LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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**DATE:** MARCH 8, 2004

**FROM:** KATHLEEN ROLLINGS-McDONALD, Executive Officer

**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #8:** LAFCO #2949: Reorganization to include Annexations to Yucaipa Valley Water District and its Improvement District No. 1 (Tracts 30386 and 26811 – City of Calimesa, Riverside County)

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**INITIATED BY:**

Property Owner Petition and  
District Resolution, Yucaipa Valley Water District

**RECOMMENDATION:**

1. Take the following actions with respect to the environmental review for LAFCO 2949:
  - a. Certify that the Final Environmental Impact Report (EIR) for Tract 30386 and other related documents and the Negative Declaration for Tract 26811 prepared by the City of Calimesa have been independently reviewed and considered by the Commission and its environmental consultant;
  - b. Determine that the Final EIR for Tract 30386, the Mitigated Negative Declaration and the Addendum for the Mitigated Negative Declaration for Tract 26811 prepared by the City are adequate for the Commission's use as a CEQA Responsible Agency for its determinations related to LAFCO 2949;
  - c. Adopt the Statement of Findings, Facts, and Overriding Considerations for Tract 30386 presented by the Commission's

environmental consultant, Tom Dodson and Associates, as attached to the staff report; and,

- d. Direct the Clerk of the Commission to file Notices of Determination with Riverside County Clerk within five days.
2. Approve LAFCO #2949, Yucaipa Valley Water District Annexation, et al, subject to the standard terms and conditions.
3. Waive protest proceedings, as permitted by Government Code Section 56663(c), with 100% landowner support and concurrence from the Yucaipa Valley Water District.
4. Adopt LAFCO Resolution #2811 setting forth the Commission's findings and determinations.

**BACKGROUND:**

LAFCO 2949 is a proposal to annex approximately 109.4 acres to the Yucaipa Valley Water District located at the eastern terminus of the Calimesa Golf and Country Club within the City of Calimesa in Riverside County. San Bernardino LAFCO is responsible for review of this application as the "principal county" for actions affecting the Yucaipa Valley Water District. Principal county status is conferred upon the county with the greater portion of the entire assessed value, as shown on the last equalized assessment roll, of all taxable property within the District.

The study area is generally located at the northerly of terminus of Singleton Road, within the City of Calimesa, County of Riverside, and southeast of the intersection of Myrtlewood Drive and California Street. The reorganization area is bordered on the north, east and west by parcel lines, which represent the existing Yucaipa Valley Water District boundary, and on the south by parcel lines. Location and vicinity maps of the area are included in Attachment 1.

The existing City of Calimesa General Plan designation is Residential Low (2-4 dwelling units to the acre). Existing land use on the site is vacant; however the City of Calimesa has approved two tracts for the affected territory. Specifically, the eastern portion of Tract 26811 included within the reorganization (the southerly two parcels APNs 413-250-031 and -033) has been approved for approximately 35 dwelling units. Tract 30386 (the northerly two parcels APNs 410-260-002 and 410-270-003) has been approved for approximately 225 dwelling units. The majority of the area is located within a valley containing rolling hills, immediately adjacent to the Calimesa Country Club and existing residential development, as noted above. The landowners have proposed the tract developments through the City of Calimesa which has outlined the development standards, restrictions, and

conditions on these developments. The development approved by the City of Calimesa for Tract 30386 anticipates an age restrictive development, limited to those 55 years and older. The portion of Tract 26811 included within this annexation represents 35 of its 135 acres and 35 of the 268 lots approved.

Surrounding land uses include: to the north -- development of single family residential home sites; to the east -- agricultural uses and vacant lands, to the south -- scattered residential home sites and vacant lands; to the west -- the Calimesa Golf Course and the balance of Tract 26811. All of these land uses are within the City of Calimesa.

The Yucaipa Valley Water District has indicated its willingness to serve the parcels through adoption of a resolution in support of the proposed reorganization and through the preparation and certification of a Plan for Service as required by Commission policy and State law (copies included in Attachment #2). The District's Plan indicates that water facilities are adjacent to the developing area at the northwestern most point of Tract 30386 and at the westerly terminus of Tract 26811. The District's Plan indicates that an extension of the sewer facilities will be required to provide service to the proposed tracts. It is indicated that a Development Agreement through the District will be implemented in order to assure funding of the expansion of facilities and development of infrastructure. Inclusion of the area in Improvement District #1 is a function of the reorganization. Improvement District #1 is a special assessment district encompassing the City of Calimesa for water improvements and has existed since the formation of the Yucaipa Valley Water District. This assessment district does not currently have special assessments or taxes levied on the properties within its boundaries.

The Commission will be acting as a responsible agency for the environmental processing of this application. The City of Calimesa has processed the development application which included the review of Tentative Tracts 30386 and 30387, which included a zone change and general plan amendment. The review included the adoption of an EIR and a Statement of Overriding Considerations for this project (copies were provided to the Commission at the February 21, 2004 hearing). In addition, the City of Calimesa has processed a Negative Declaration with mitigation measures (hereinafter "Negative Declaration") and an addendum to the Negative Declaration for its review of Tentative Tract 26811 (copies were provided to the Commission at the February 21, 2004 hearing). Mr. Dodson's correspondence dated March 8, 2004 outlines the necessary environmental actions to be taken by the Commission, as a responsible agency under CEQA, are as follows:

1. Indicate that the Commission has reviewed and considered the environmental assessment , Final Environmental Impact Report (Tract

30386) and Negative Declaration and Addendum(Tract 26811) certified by the City of Calimesa;

2. Determine that these environmental documents are adequate for the Commission's use in making its decision related to the annexation to the Yucaipa Valley Water District;
3. Determine that the Commission does not intend to adopt alternatives for this project, and that mitigation measures included in the City's environmental documents are the responsibility of the City, not the Commission.
4. Adopt the Statement of Findings, Facts, and Overriding Considerations for Tract 30386, as presented by the Commission's environmental consultant, Tom Dodson and Associates, attached to the staff report.
5. Direct the Clerk of the Commission to file Notices of Determination within five days with Riverside County.

With verification by the County of Riverside that the area possesses 100% landowner consent and is legally uninhabited, the staff requested the District's concurrence to waive the protest proceeding for this proposal as allowed under Government Code Section 56663. The District has consented to this waiver, and there are no detaching agencies to seek affirmation from. Therefore, the staff is recommending that the Commission approve this proposal, waive further protest proceedings, and complete the action. A copy of the District's response and landowner consent are included as Attachment #4.

In conclusion, the staff supports the annexation of this territory to the Yucaipa Valley Water District on the basis that: it is the regional service provider for water and wastewater services within City of Calimesa; the City, District and developers have reviewed the plans as a part of the environmental processing and development review; and the proposal eliminates a peninsula of unserved territory within the District's boundaries.

#### **FINDINGS:**

The following findings are required to be provided by Commission policy and Government Code Section 56841:

1. The subject 109.04 +/- acre area proposed for annexation has been certified by the Riverside County Registrar of Voters as being legally uninhabited, with 0 registered voters.

2. The County Assessor for Riverside County has indicated that the total value of land within the proposal area is \$1,750,444. It has been confirmed that the proposal possesses 100% landowner consent for annexation.
3. The area is a part of the Yucaipa Valley Water District's sphere of influence as defined by the Local Agency Formation Commission for Riverside County.
4. Legal advertisement of the Commission's consideration has been provided through publication in The Press Enterprise and The Sun, newspapers of general circulation within the study area. Individual notice has been provided to those individuals and agencies having requested such notification. Also, individual notification to landowners and registered voters surrounding the annexation area has been provided as required by State law and Commission policy.
5. The City of Calimesa General Plan designates the area as RL (Residential Low) which allows 2-4 dwelling units per acre.
6. Upon annexation, the District will plan to extend its services as required by the City of Calimesa's land use decisions. The Plan for Service indicates that revenues generated through monthly service fees are anticipated to be sufficient to provide the level of service identified through the District. It is also noted that the developers of the individual tracts will be responsible for all costs associated with the extension of infrastructure to serve the site. Upon annexation, the District will work with the landowners to plan and install the necessary infrastructure for the provision of water facilities, domestic and fireflow, and wastewater services to the property.
7. The Commission's environmental consultant, Tom Dodson and Associates, has reviewed the City of Calimesa's EIR for Tract 30386 and the Negative Declaration and Addendum associated with Tract 26811 and determined that they are adequate for the Commission's review of the proposed reorganization as a responsible agency. A copy of the City's Final EIR, Findings and Statement of Overriding Considerations and Negative Declaration and Addendum were provided to Commission members on February 21, 2004. In addition, Mr. Dodson has provided a Statement of Overriding Considerations for the Commission's use related to its consideration of Tract 30386. A copy of Mr. Dodson's response is included as Attachment #5 to this report.
8. The area in question is presently served by the following public agencies:

County of Riverside  
City of Calimesa  
East Valley Resource Conservation District

Summit Cemetery District  
San Geronio Pass Water Agency

None of these agencies will be affected by the completion of this proposal.

9. The annexation proposal, as submitted, is consistent with adopted Commission policies and applicable state law.
10. The District has submitted a plan for services, as required by law and Commission policy (a part of Attachment #4) This plan indicates that the District will extend domestic and fireflow water services and wastewater collection and treatment services to the reorganization area upon submission and approval of development plans following completion of the annexation process.
11. All notices required by law have been provided. Individual notices to landowners and registered voters surrounding the annexation proposal have been provided in compliance with Commission policies. To date, no comments have been received from these individuals or agencies.
12. The County of Riverside and the Yucaipa Valley Water District have Master Property Tax Agreements in place that indicate there will be no exchange of property tax revenues based upon this change of organization.
13. The map and legal description, as revised, are in substantial compliance with LAFCO and state standards through certification by the County of Riverside LAFCO office.

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Attachments:

- 1 - Maps of Proposals
- 2 - Application for Tract 30386
- 3 - Application for Tract 26811
- 4 - Yucaipa Valley Water District Plan for Services, Resolution in Support, and Consent to Waiver of Protest Proceedings
- 5 - Tom Dodson & Associates Environmental Response including Findings of Fact and Statement of Overriding Considerations (Tract 30386)
- 6- Draft LAFCO Resolution #2811